

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

NOTICE: Plaintiff is directed to serve a copy of these Standing Orders at once upon all parties to this action and upon those subsequently joined, and to file with the Clerk of Court a certificate of service reflecting such service.

STANDING ORDERS OF MAGISTRATE JUDGE NANDOR J. VADAS

(Revised February 23, 2010)

1. Compliance With Federal Rules, General Orders and Local Rules. All parties shall consult and comply with all applicable Federal Rules, as well as the General Orders and Local Rules of the U.S. District Court for the Northern District of California ("Court"), except as expressly modified herein. Failure to comply with any applicable rule or order may be deemed sufficient grounds for monetary sanctions, dismissal, entry of default judgment, or other appropriate sanctions. The aforementioned rules and orders are supplemented and modified as follows.

2. Consent/Declination to Proceed Before a Magistrate Judge. In cases that are randomly assigned to Judge Vadas for all purposes, a "Consent to Proceed before a U.S. Magistrate Judge" and a "Declination to Proceed before a U.S. Magistrate Judge and Request for Reassignment to a United States District Judge" will be provided to all parties. The parties are requested, within two (2) weeks of the receipt of these forms, to complete and file the form reflecting their consent or declination as to Judge Vadas' jurisdiction as presiding judge. All pleadings filed in cases in which Judge Vadas is the presiding judge shall bear the designation "EUREKA DIVISION". **In the event that a case that is originally assigned to Judge Vadas as the presiding judge is later reassigned to a District Court Judge, and unless otherwise ordered by the Court, the case will remain assigned to Judge Vadas for all discovery matters.**

3. Filing and Lodging Pleadings and Documents. Unless expressly requested by the Court, documents should **not** be faxed to chambers, but should be filed and lodged in accordance with the Court's Local Rules. The Court should **not** be routinely copied on correspondence between counsel.

4. Motion Practice. All motions to be heard by Judge Vadas shall be filed, served and noticed in accordance with the applicable Local Rules. Pursuant to Civil Local Rule 5-1(a), any papers filed in connection with any motion referred to Judge Vadas must be filed in the Clerk's Office at the division where the chambers of the referring judge are located. Pursuant to Civil Local Rule 5-1(b), the chambers copies of papers filed in connection with any motion pending before Magistrate Judge Vadas must either be delivered to Magistrate Judge Vadas' chambers at 514 H Street, 2nd Floor, Eureka, CA 95501, or mailed to Magistrate Judge Nandor J. Vadas, P.O. Box 1306, Eureka, CA 95502.

5. Civil Law and Motion. Judge Vadas' civil law and motion calendar takes place on Tuesdays at 1:00 p.m. in Courtroom 205A on the 2nd floor of the U.S. Post Office and Courthouse, 514 H Street, Eureka, CA 95501-1038 ("Eureka Federal Courthouse"). Hearings on civil motions pending before Judge Vadas must be scheduled with the Judge's courtroom deputy, Gloria Masterson (707-445-3612 or Gloria_Masterson@cand.uscourts.gov).

6. Criminal Law and Motion. Judge Vadas' criminal law and motion calendar takes place on Mondays at 1:00 p.m. at the Eureka Federal Courthouse. Hearings on criminal motions pending before Judge Vadas must be scheduled with the Judge's courtroom deputy, Gloria Masterson.

7. Status and Case Management Conferences. Status and case management conferences are generally held on Tuesdays at 2:00 p.m. at the Eureka Federal Courthouse.

8. Pre-Trial Conferences. Pre-trial conferences are generally held on Tuesdays at 2:30 p.m. at the Eureka Federal Courthouse.

9. Requests for Continuances/Status Conferences. Parties wanting to continue hearings, request special status conferences, or make other procedural changes shall do so either by a signed stipulation and proposed order or, if a stipulation is not possible, by a written ex parte application and order. Briefing schedules may not be changed by stipulation. Any change in the hearing date does not alter the original briefing schedule unless otherwise ordered by the Court. Any request to reschedule a case management conference shall be made in writing, and by stipulation if possible, at least ten calendar days prior to the scheduled case management conference date.

10. Telephonic Appearance Requirements and Procedures. Any party requesting to appear telephonically for a proceeding before Judge Vadas must obtain advance permission to do so by contacting the Judge's courtroom deputy, Gloria Masterson, **at least four business days prior to the proceeding**. If multiple parties wish to appear telephonically, it is the responsibility of the parties to make arrangements to conference all telephonic participants together and to provide Ms. Masterson, **at least two business days prior to the proceeding**, with a **single number** to contact all parties when the Court is ready to proceed. For matters scheduled during a law and motion or other rolling calendar, **all** parties appearing telephonically must be available (at the number provided to Ms. Masterson) from the scheduled start of the calendar until their matter is called.

Unless specified otherwise by the court, **the court does not permit the use of payphones, cellular phones or speakerphones of any kind when participating in any court proceeding telephonically**. All telephone equipment used for teleconferencing must be fully capable of duplex operation. Duplex (also known as "full-duplex") communication mode provides transmission and reception (in both directions) simultaneously. This means that all parties can talk and hear at the same time.¹ A handset or headset is almost always duplex, but

¹ Half-duplex communication (in contrast to duplex) transmits and receives in only one direction at a time. This means that if you are talking, you cannot hear anyone else on the line, and if they are talking, they cannot hear anyone else. Half-duplex telephone communications are unacceptable for all calls.

you must check the device's documentation or test it to be sure (if you and the party on the other end can talk and hear at the exact same time - the device is duplex).

11. Settlement Conferences. All parties appearing before Judge Vadas for a settlement conference shall comply with Judge Vadas' Settlement Conference Standing Order, which is available on the Court's website (www.cand.uscourts.gov → Judges → Vadas → Magistrate Judge Vadas' Standing Orders).

12. Discovery Disputes. All parties with a discovery dispute in a case pending before, or referred to, Judge Vadas shall comply with the following:

a. Discovery motions may be addressed to the Court in three ways. A motion may be noticed on not less than thirty-five (35) days notice pursuant to Civil L.R. 7-2. Alternatively, a party may seek an order shortening time under Civil L.R. 6-3 if the circumstances justify that relief. In emergencies during discovery events (e.g., depositions), the Court is available pursuant to Civil L.R. 37-1(b).

b. In the event a discovery dispute arises, counsel for the party seeking discovery shall in good faith confer **in person** with counsel for the party failing to make that discovery in an attempt to resolve the dispute without the Court's involvement, as required by Federal Rule of Civil Procedure 37 and Civil L.R. 37-1(a). The meeting must be **in person**, except where good cause is shown why a telephone conference is adequate. A declaration setting forth these meet and confer efforts, and the final positions of each party, shall be included in the moving papers. **The Court will not consider discovery motions unless the moving party has complied with Fed. R. Civ. P. 37 and Civil L.R. 37-1.**

c. Any party seeking Court intervention during a discovery event, or filing an emergency or ex parte application relating to a discovery dispute, **must** contact Judge Vadas' courtroom deputy, Gloria Masterson at 707-445-3612 prior to filing any documents.

d. Any party seeking an award of attorney fees or other expenses as sanctions in connection with a discovery dispute shall file a separate motion as required by Civil Local Rule 37-3.

e. In cases referred to Judge Vadas for discovery, if a party wishes to file a document under seal, that party shall first file a written request for a sealing order setting forth the good cause and accompanied by a proposed order, as provided by Civil Local Rule 79-5.

13. Lodging of Chambers Copies. In all "E-Filing" cases when filing papers in connection with any motion for determination by the Judge, the parties shall, in addition to filing papers electronically, lodge with chambers a printed copy of the papers by the close of the next court day following the day the papers are filed electronically. These printed copies shall be marked "Chambers Copy" and shall be delivered to Magistrate Judge Vadas' chambers at 514 H Street, 2nd Floor, Eureka, CA 95501, or mailed to Magistrate Judge Nandor J. Vadas, P.O. Box 1306, Eureka, CA 95502. Parties shall not file a paper copy of any document with the Clerk's Office that has already been filed electronically. All chambers copies of filings containing exhibits must contain exhibit tabs. Chambers copies of filings in excess of 50 pages must be submitted in binders.

14. Electronic Submission of Proposed Orders. Any proposed order in a case subject to electronic filing shall be e-filed (in .pdf format) and emailed (in Word or Word Perfect format) to njvpo@cand.uscourts.gov.

15. Motions for Summary Judgment. Motions for summary judgment in cases assigned to Magistrate Judge Vadas for trial shall be accompanied by a statement of the material facts not in dispute supported by citation to admissible evidence. The parties shall file a joint statement of undisputed facts wherever possible. If the parties are unable to reach complete agreement after meeting and conferring, they shall file a joint statement of the undisputed facts about which they do agree. Any party may then file a separate statement of the additional facts which the party contends are undisputed.

16. Court Reporters and Electronic Recording of Proceedings. Unless specifically requested, the Court does not provide a court reporter for most pre-trial proceedings. The court records such proceedings electronically, a copy of which may be obtained by submitting a request to Judge Vadas' courtroom deputy, Gloria Masterson. Such requests must be accompanied by a check for twenty-six dollars made payable to the Clerk of Court for the Northern District of California **and mailed directly to the San Francisco Clerk's Office at 450 Golden Gate Ave., 16th Floor, San Francisco, CA 94102.** Each such request must include the case name and number, as well as the date and time of the proceeding for which a copy of the recording is requested. **A party who wishes to have a court reporter present for a pretrial proceeding in a civil matter must notify Judge Vadas' courtroom deputy at least two weeks in advance of the date set for the proceeding.**

17. Questions. Parties are reminded that most procedural questions are answered in the Federal Rules, the Local Rules, and/or these Standing Orders. Parties should **not** contact chambers for answers to procedural questions without first carefully examining the **current** provisions of these authorities. Current versions of the Local Rules and these Standing Orders can be found on the Court's website at www.cand.uscourts.gov. Questions regarding scheduling and case management should be directed to Judge Vadas' courtroom deputy, Gloria Masterson.

18. Pro Se Assistance. Parties representing themselves should consult the Court's Pro Se Handbook and/or Legal Help Center. The Pro Se Handbook and the contact information for the Legal Help Center can be found on the Court's website at www.cand.uscourts.gov.

19. Timeliness; Feedback. The Court strives to set matters and render decisions in a timely manner. The Court encourages parties to advise the Court by letter to chambers of any matter that appears to have been unduly delayed.

IT IS SO ORDERED.



U.S. Magistrate Judge Nandor J. Vadas